

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.) No. 4:07CR368 CDP
)
RICKEY BATES,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant Rickey Bates's motions to suppress evidence and statements.

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge David D. Noce. Judge Noce held an evidentiary hearing and filed a Report and Recommendation, which recommended that the motions be denied. Defendant has objected to the Magistrate Judge's Report and Recommendation.


I have conducted a de novo review of all matters relevant to the motion, including listening to the recording of the hearing and reviewing both parties' briefs. Defendant is correct that Officer Werninger stated that he chased Bates to the area of 1657 Belt, instead of 6715 Belt as stated in the Report and Recommendation. I will overrule the defendant's other objections, because I agree

with the findings and conclusions of Judge Noce. The police had probable cause to arrest defendant and the gun and drugs were seized pursuant to a lawful search. I will therefore I will adopt and sustain the reasoning of Judge Noce, with the exception of the correction in the address.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#24] is **SUSTAINED, ADOPTED, and INCORPORATED**, except that I find Det. Werninger chased Bates to the area of 1657 Belt, instead of 6715 Belt, as set forth in paragraph number 3 on page 2.

IT IS FURTHER ORDERED that defendant's motions to suppress evidence and statements [# 11, 21] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of September, 2007.